



United States Attorney  
Southern District of New York

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86 Chambers Street, 3rd Floor  
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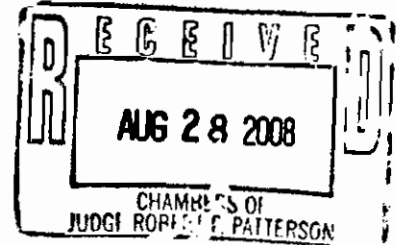
DATE FILED: 8/28/08

## MEMO ENDORSE

August 28, 2008

### BY HAND

The Honorable Robert P. Patterson, Jr.  
United States District Judge  
United States Courthouse  
500 Pearl Street, Suite 2550  
New York, New York 10007



Re: Valdez v. United States, et al.,  
08 Civ. 4424 (RPP)

Dear Judge Patterson:

We write respectfully on behalf of the parties respectfully to request an adjournment of the initial status conference scheduled for September 4, 2008, in the above-referenced action alleging tort and constitutional tort claims against the United States and Drug Enforcement Administration ("DEA") Special Agent Mercurio.


Defendants' answer to the complaint is currently due on or before September 12, 2008. By letter dated July 11, 2008, this Office requested an extension of time until September 12 to respond to the complaint because it had not yet received authorization to represent Special Agent Mercurio. The request for representation is currently in process. Assuming that the request is approved in short order, defendants will file their response(s) to the complaint in this case on or before September 12. This Office will provide the Court and plaintiff's counsel with further updates on the status of the representation request in the event that approval has not been obtained prior to September 12.

In light of these circumstances, the parties respectfully request that the September 4 conference be adjourned to a date following the filing of defendants' response(s) to the complaint. The undersigned and counsel for plaintiff are available for a rescheduled conference after September 23, 2008, except for October 2, 3, and 6, when plaintiff's counsel will be out of the office.

We thank the Court for its consideration of this request.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By:   
WENDY H. WASZMER  
Assistant United States Attorney  
Tel. No.: (212) 637-2729  
Fax. No.: (212) 637-2717

cc: C. MICHELLE CLEMMENS, ESQ.  
Taub & Marder  
450 Seventh Avenue, 37<sup>th</sup> Floor  
New York, New York 10123 (By facsimile and first-class mail)

*application granted*  
*Conference adjourned to ~~10/1/08~~ 9/30/08*  
*at 9:30 AM.*

*So ordered*

*SPM Platone L*  
*USAP*

*8/28/08*